

## Message Text

LIMITED OFFICIAL USE

PAGE 01 CAPE T 00877 021116Z  
ACTION IO-14

INFO OCT-01 AF-10 EUR-12 ISO-00 CIAE-00 DODE-00  
NSAE-00 NSCE-00 SSO-00 ICAE-00 INRE-00 PM-05 H-01  
INR-10 L-03 PA-01 SP-02 SS-15 HA-05 /079 W  
-----129030 021124Z /13

O 021008Z MAY 78  
FM AMEMBASSY CAPE TOWN  
TO SECSTATE WASHDC IMMEDIATE 7209  
INFO USMISSION USUN NEW YORK IMMEDIATE  
AMEMBASSY BONN  
AMEMBASSY DAR ES SALAAM  
AMEMBASSY GABORONE  
AMEMBASSY MAPUTO  
USMISSION GENEVA  
AMEMBASSY LAGOS  
AMEMBASSY LONDON  
AMEMBASSY LUSAKA  
AMEMBASSY OTTAWA  
AMEMBASSY PARIS  
AMEMBASSY PRETORIA

LIMITED OFFICIAL USE CAPE TOWN 877

E.O. 11652: N/A  
TAGS: PINS, SHUM, WA  
SUBJECT: NAMIBIA: NKANDI ACQUITTED AND RELEASED

REF: CAPE TOWN 428, AND PREVIOUS

1. PRESS REPORTS FROM WINDHOEK STATE THAT SWAPO SUPPORTER  
VICTOR NKANDI WAS ACQUITTED MAY 1 OF CHARGES OF HAVING  
PARTICIPATED IN THE 1975 MURDER OF FORMER OVAMBO CHIEF  
MINISTER FILEMON ELIFAS AND ALTERNATIVE CHARGES UNDER THE  
TERRORISM ACT. ACCORDING TO THE REPORTS, THE PROSECUTION  
ASKED THAT THE PRESIDING JUSTICE, F.H. BADENHORST, WITHDRAW  
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CHARGES AGAINST NKANDI. IN PASSING JUDGMENT, BADENHORST  
REPORTEDLY SAID THE THREE CHIEF STATE WITNESSES HAD FAILED  
TO MAKE A FAVORABLE IMPRESSION ON THE COURT AND HE HAD  
FOUND THEIR EVIDENCE UNRELIABLE. FOLLOWING THE  
JUDGMENT, NKANDI, WHO HAS BEEN IN PRISON FOR OVER TWO  
YEARS, WAS SET FREE.

2. COMMENT: WHILE NKANDI'S ACQUITTAL MAY HAVE BEEN  
LARGELY THE RESULT OF A WEAK LEGAL CASE AGAINST HIM, IT  
ALSO HAS SIGNIFICANT POLITICAL IMPLICATIONS. RESUMPTION  
OF THE NKANDI CASE WOULD HAVE MEANT A HIGHLY PUBLICIZED  
POLITICAL TRIAL IN WHICH THE DEFENSE INTENDED TO HIGH-  
LIGHT ALLEGED TORTURE OF WITNESSES. SUCH A PROCEEDING  
WOULD HAVE BEEN PARTICULARLY EMBARRASSING FOR THE SAG  
AT THIS TIME. TAKEN TOGETHER WITH THE RECENT DROPPING  
OF CHARGES AGAINST SWAPO MEMBER PETER MANNING (CAPE TOWN 822),  
IT APPEARS THAT THE SAG, WHILE INCREASING ITS DETENTIONS UNDER  
THE AG'S NEW PROCLAMATION, HAS DECIDED TO AVOID CONTENTIOUS  
TRIALS IN NAMIBIA AT THIS STAGE.  
NELSON

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NNN

## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** PRISONERS RELEASE, COURT DECISIONS  
**Control Number:** n/a  
**Copy:** SINGLE  
**Draft Date:** 02 may 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
**Disposition Event:**  
**Disposition History:** n/a  
**Disposition Reason:**  
**Disposition Remarks:**  
**Document Number:** 1978CAPET00877  
**Document Source:** CORE  
**Document Unique ID:** 00  
**Drafter:** n/a  
**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
**Film Number:** D780186-0716  
**Format:** TEL  
**From:** CAPE TOWN  
**Handling Restrictions:** n/a  
**Image Path:**  
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**Line Count:** 75  
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**Litigation History:**  
**Locator:** TEXT ON-LINE, ON MICROFILM  
**Message ID:** 144ad593-c288-dd11-92da-001cc4696bcc  
**Office:** ACTION IO  
**Original Classification:** LIMITED OFFICIAL USE  
**Original Handling Restrictions:** n/a  
**Original Previous Classification:** n/a  
**Original Previous Handling Restrictions:** n/a  
**Page Count:** 2  
**Previous Channel Indicators:** n/a  
**Previous Classification:** LIMITED OFFICIAL USE  
**Previous Handling Restrictions:** n/a  
**Reference:** 78 CAPE TOWN 428  
**Retention:** 0  
**Review Action:** RELEASED, APPROVED  
**Review Content Flags:**  
**Review Date:** 03 may 2005  
**Review Event:**  
**Review Exemptions:** n/a  
**Review Media Identifier:**  
**Review Release Date:** n/a  
**Review Release Event:** n/a  
**Review Transfer Date:**  
**Review Withdrawn Fields:** n/a  
**SAS ID:** 2524078  
**Secure:** OPEN  
**Status:** NATIVE  
**Subject:** NAMIBIA: NKANDI ACQUITTED AND RELEASED  
**TAGS:** PINS, SHUM, WA, (NKANDI, VICTOR)  
**To:** STATE  
**Type:** TE  
**vdkgvwkey:** odbc://SAS/SAS.dbo.SAS\_Docs/144ad593-c288-dd11-92da-001cc4696bcc  
**Review Markings:**  
Sheryl P. Walter  
Declassified/Released  
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